

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
AMENDMENT OF PART 97 OF THE)	WT Docket No. 05-235
COMMISSION'S RULES TO IMPLEMENT)	RM- 10867, <i>et al.</i>
WRC-03 REGULATIONS APPLICABLE TO)	
REQUIREMENTS FOR OPERATOR)	
LICENSES IN THE AMATEUR RADIO)	
SERVICE		

To: The Commission
Via Office of the Secretary

**COMMENTS OF ARRL,
THE NATIONAL ASSOCIATION FOR AMATEUR RADIO**

ARRL, the National Association for Amateur Radio, also known as the American Radio Relay League, Incorporated (ARRL), by counsel and pursuant to Section 1.415 of the Commission's Rules, 47 C.F.R. §1.415, hereby respectfully submits its comments in response to the *Notice of Proposed Rule Making*, FCC 05-143, 70 Fed. Reg. 51705, released July 19, 2005 (the *Notice*). The *Notice* proposes certain changes in the rules governing the Amateur Radio Service, essentially deleting the Morse telegraphy requirement from the Amateur Radio license examinations. In response to the proposal in the *Notice*, and with respect to those proposals in RM-10867, filed by ARRL, which the Commission considered in this proceeding but did not propose to implement, ARRL states as follows:

I. Introduction and Background

1. The Commission's *Notice* in this proceeding does not go far enough. In this proceeding, the Commission has a good opportunity to finish the job it commenced but

did not complete in WT Docket 98-143:¹ to simplify, streamline, and enhance the license structure in the Amateur Radio Service, and to foster the integration of new technologies into daily Amateur Radio operation. ARRL, in its January 28, 2004 Petition for Rule Making, RM-10867, proposed a modified license structure for the Amateur Service which would smoothly integrate high-frequency (HF) spectrum privileges across all license classes. It would provide a true entry level license with HF privileges to promote growth from new entrants in the Amateur Service. It would also allow radio amateurs of *all* license classes to prepare for and to participate in emergency and disaster relief communications.² The ARRL developed its proposal in its role as the advocate for all Amateur Radio operators, and it received substantial support, not only among the 6,200 comments filed in this proceeding before the *Notice* was issued, but also from members of Congress who are licensed radio Amateurs, and who are members of the House Committee on Energy and Commerce.³ The National Conference of Volunteer Examiner

¹ See, the *Report and Order*, FCC 99-412, 15 FCC Rcd. 315 (1999), and Errata released April 19, 2000; *Affirmed as modified by Memorandum Opinion and Order*, FCC 01-108, released April 6, 2001. The Report and Order in Docket 98-143 is cited herein as the "*Report and Order*."

² In the aftermath of Hurricane Katrina, Technician Class licensees who wished to participate in disaster relief communications on HF bands (which were an integral part of Amateur Radio's substantial contribution to the relief effort) had to request, and were granted by the Commission, waivers to do so. This should not have been necessary. Last-minute arrangements such as waivers, as a practical matter, serve no one well: emergency communications and disaster preparedness require advance preparation, drills and active preparatory efforts. Technician Class licensees can best contribute to Amateur Radio's established expertise in this area by being given some operating privileges that they can use, and are prepared to use, in disaster relief.

³ Attached hereto as *Exhibit A* is a letter to then-Chairman Michael Powell from Representatives Greg Walden, W7EQI and Mike Ross, WD5DVR, dated April 23, 2004. That letter notes that the ARRL license restructuring plan was submitted because the Commission did not complete the efforts that began in WT Docket 98-143 in 1998. Representatives Walden and Ross stated in part:

"To reach the [docket 98-143] goals, the ARRL plan proposes to create a new entry-level Amateur Radio license that would include high-frequency privileges without requiring a Morse code test, consolidate the current six license classes into three license classes, and retain the Element 1 Morse telegraphy requirement only for the Amateur Extra Class. The ARRL's license restructuring plan, once implemented, will complete the Commission's plan

Coordinators (NCVEC), having reviewed the ARRL petition, and being familiar with the demographics of Amateur Radio licensees, filed its own proposal that was almost identical in substance to the ARRL petition. However, the Commission, in the *Notice*, declined to consider any license structure changes, and instead proposed only the simplest regulatory change that resulted from the WRC-03 proceeding in this context: the elimination of the Morse telegraphy requirement from the General and Amateur Extra class license examinations. The telegraphy requirement had already been eliminated from the Technician license class examination, so there was no change proposed by the Commission in the *Notice* for the only entry level license class that now exists.

2. The *Notice* states the Commission's "belief" that the mere elimination of the Morse telegraphy examination requirement across the board, without more, will: (1) encourage individuals who are interested in communications technology, or who are able to contribute to the advancement of the radio art, to become amateur radio operators; (2) eliminate a requirement that the Commission believes is now unnecessary and that may discourage amateur service licensees from advancing their skills in the communications and technical phases of amateur radio; and (3) promote more efficient use of the radio spectrum currently allocated to the amateur radio service.⁴ As to the first of the Commission's "beliefs," since there is no change in the entry level license class proposed by the *Notice*, and since there is already no Morse telegraphy examination requirement for the Technician Class license, there cannot be any incentive created by this proceeding

initiated in 1998, and will provide a blueprint for licensing well into the next decade. The plan will not conflict with any Commission initiative. More importantly, it is needed right now to promote greater growth of the healthy, exciting and rewarding intellectual pursuit of Amateur Radio. We urge you to quickly adopt the ARRL plan for Amateur Radio license structure in its entirety and the rules changes necessary to implement it."

⁴ See, the *Notice*, at paragraph 3.

for newcomers to Amateur Radio. As is discussed below, if eliminating regulatory barriers to entry for newcomers to Amateur Radio is one of the Commission's goals, it is necessary as a component of this proceeding to re-examine the operating privileges afforded to entry level licensees. The second of the Commission's "beliefs," that a 5 word-per-minute Morse telegraphy examination serves as an unnecessary regulatory barrier to license upgrading and skill advancement by incumbent licensees, is likely correct to a certain extent. However, different issues are presented by proposing to eliminate the Morse telegraphy examination for the General Class license on the one hand, and proposing to eliminate the same 5 word-per-minute telegraphy examination for the Amateur Extra Class license on the other. As is discussed below, the Amateur Extra Class license is supposed to represent the ultimate in achievement of both technical and operating skills in Amateur Radio, and a greater justification exists for retaining a minimal telegraphy examination as a legitimate operating skill (among others) for those who would be awarded the highest level license class. The last of the Commission's "beliefs," that the elimination of Morse telegraphy will constitute a more efficient use of Amateur Radio spectrum, is unexplained. The nexus between telegraphy examinations and spectrum efficiency where no changes in operating privileges are proposed for any license class is unclear.

3. The Commission stated in Docket 98-143 that it continued to believe that there should be a structure of license classes sufficient to encourage Amateur Radio operators to advance their skills in meaningful ways, *Report and Order*, at ¶11. However, that proceeding did not examine the operating privileges of the various license classes, so to the extent that the Commission wishes to encourage by the licensing structure

advancement in operating skills, it did not achieve its goal in 1998. That proceeding was in essence a “biennial review” type proceeding.⁵ It dealt only with regulatory obligations in the examinations. Examination of the structure of license classes requires a two-part analysis: the regulatory requirements are one aspect. The other is the operating privileges that accompany the license class. Docket 98-143 examined the first aspect of the licensing structure, but not the second.⁶ It was apparent to ARRL that Docket 98-143 was the start, but not the finish, of an examination of a “structure of license classes which would encourage Amateur Radio operators to advance their skills in meaningful ways.” *Report and Order*, at ¶ 13. After WRC-03 removed the treaty obligation to examine radio amateurs on Morse telegraphy proficiency, there was no longer any obstacle to a thorough license structure review. The Commission in 1998 deferred such a comprehensive review, and suggested that a review of operating privileges be considered along with proposals to incorporate new technologies in the Amateur Service:

We disagree with the ARRL, however, that simplification of the license structure only should be undertaken as part of a comprehensive restructure of the licensing process and operating privileges (footnote omitted). We believe that in light of ongoing discussions concerning implementation of new and more modern communications technologies within the amateur service community, we should accord the amateur service community an opportunity to complete such discussions and possibly reach a consensus regarding implementation of new technologies before we undertake a

⁵ The Docket 98-143 proceeding was intended to simplify the license structure and streamline the licensing processes. *Report and Order*, at ¶8. It was not, however, intended to, and did not, address operating privileges. The Commission specifically withheld that task for a later date. Nor did it examine the nature of the entry level license class, or the extent to which that license class encouraged or discouraged further progress in technical self-training and integration of newcomers into higher license classes and in use of new technologies. It did eliminate the issuance of new Novice class licenses, on the theory that the Technician Class license was the preferred entry-level license class. How effective the Technician Class license was at encouraging newcomers, retaining them, and encouraging further development in Amateur Radio, however, was not a subject for that proceeding. Nor has it been examined since that time.

⁶ Nor could Docket 98-143 have constituted a thorough review of even the regulatory obligations of licensees, because at that time, WRC-03 had not occurred, and the international treaty obligations of the United States limited the ability of the Commission to address the Morse telegraphy requirement.

comprehensive restructuring of the amateur service operating privileges and frequencies... We also did not propose to change the name of any current operator license class or create additional permits such as a "Basic Amateur Permit" (footnote omitted) because such changes would result in our expending considerable resources modifying the amateur service database, issuing new license documents, and/or reprinting scores of licenses; a result which is counter to the goals of this proceeding.

Id., at ¶17.

Thus, the Commission deferred the more substantive evaluation of license restructuring and operating privileges to a later date. The opportunity to do so was provided by the modification of Article 25 of the Radio Regulations, however. Given the experience of the Amateur community in the four years between the Docket 98-143 *Report and Order* and the filing of the ARRL Petition, RM-10867, it was timely in January of 2004 to complete the task commenced in Docket 98-143: to create a licensing environment which encourages newcomers to become licensed; for entry-level licensees to progress; and which fosters use and development of modern communications technologies. This, ARRL believed then and believes now, necessitates a review and analysis of Amateur Radio operating privileges of at least the entry level license class.

4. The Commission's premises for the instant proceeding were initially encouraging. The Commission stated, at paragraph 7 of the *Notice*, that:

The petitions before us represent efforts of individual amateur radio operators and their organizations to revise our amateur service rules and license structure to reflect the *Radio Regulation* revisions adopted at WRC-03. On the basis of the changes in the *Radio Regulations* and the petitions before us, we conclude that the issue of the appropriate requirements for an individual to obtain an amateur radio operator license is ripe for consideration.

However, it is apparent that the appropriate requirements for an individual to obtain a particular class of Amateur Radio license must be determined relative to the operating

privileges attendant to that license class. Examination of the requirements for each license class should be done at the same time as, and as a part of, the examination of the appropriate privileges afforded by each class. The Commission's consideration in the *Notice* of deletion of the Morse telegraphy, without more, is too narrow. The *Notice*, moreover, does not indicate that the issue of the appropriate requirements for an individual to obtain a license was actually considered. A determination of the appropriate requirements for obtaining each Amateur Radio operator examination, without consideration of any changes in operating privileges whatsoever, is inadequate. The opportunities provided by Amateur Radio should be more widely available than they now are.⁷

5. The *Notice* in this proceeding does not establish that the Commission is responsive to the needs and interests of the Amateur Service. This is the second time in recent years that the Commission has refused to examine the operating privileges of the various license classes. It is timely now to undertake an examination of the operating privileges of the classes of Amateur license, because the entry level license class is demonstrably neither attractive to newcomers nor encouraging in terms of retaining the interest of license holders. ARRL urges that the Commission focus its attention in this proceeding on needed modifications of the Technician Class license as an entry level license class.

⁷ The Commission's policy is to adopt an encouraging licensing environment that allows the public reasonable access to the benefits of the Amateur Service. That the Commission intends to promote the benefits of Amateur Radio is apparent from even a cursory reading of Section 97.1 of the Commission's Rules. Furthermore, the Commission is obligated to promote Amateur Radio as a matter of Congressional policy. See, e.g. Public Law 103-408; the *Federal Communications Commission Authorization Act of 1988*, Public Law 100-594, 102 Stat. 3021, 3025; *Joint Explanatory Statement of the Committee of Conference*, H.R. Conf. report No 386, 1990 U.S. Code Cong. & Admin. News 3018, 3037.

6. Most urgent is a review of the operating privileges of the entry level license class, in order to encourage newcomers to the Amateur Radio Service, and to encourage entry level licensees to retain interest in Amateur Radio and to increase their skills. The instant *Notice* proposal with respect to elimination of Morse telegraphy for the General Class license is one component of the necessary analysis, but alone is insufficient in both respects. The promotion of education, technical self-training, and advancement of interest in technology through Amateur Radio requires consideration of interrelated issues, only one of which is Morse telegraphy as a regulatory hurdle. In the *Report and Order* in Docket 98-143, the Commission stated, at paragraph 25, that one of its major goals was to provide licensing rules *and operating privileges* that allow radio amateurs to continue their tradition of contributing to the advancement of the radio art. Not having achieved that goal in 1998, it is time now to get on with it.

II. The Entry Level License Class

7. The Technician class license is now the only entry-level license class. Since the Commission, in Docket 98-143, ceased issuance of new Novice Class licenses, the Technician class license is the typical point of entry into Amateur Radio. It offers no HF operating privileges, absent licensing credit for proficiency in Morse telegraphy.⁸ It does, however, offer HF privileges if the Technician Class licensee passes a five word-per-minute telegraphy examination.⁹ The Commission's proposal in the *Notice*, if implemented, *actually deletes a simple mechanism for a Technician Class licensee to obtain substantial HF operating privileges*. This will be discussed below.

⁸ See 47 C.F.R. § 97.301(a).

⁹ See 47 C.F.R. § 97.301(e).

8. There are problems with the Technician Class license in any case. As ARRL stated in RM-10867, there are two primary concerns. The first of these is the fact that the only current entry-level license class offers operating privileges limited to the VHF bands and above, leaving newcomers to the Amateur Service isolated from their peers holding higher class licenses. Technician class licensees can normally conduct only local, rather than worldwide communications. The Technician Class license provides very little encouragement to progress and develop technical and operating skills. The second problem is that the entry level Technician Class license examination is overly comprehensive in its subject matter,¹⁰ and is therefore a deterrent to newcomers and inadequate as an entry-level license class. This latter issue is solvable in the private sector. ARRL serves on a committee of Volunteer Examiner Coordinators (VECs) that prepares the question pools for Amateur examinations. Since the determination of the proper scope of license examination subject matter is exclusively in the hands of VECs, part of this problem can be solved without any necessary Commission involvement. However, modification of operating privileges for the Technician Class license cannot be addressed without rulemaking.

9. In 2003, ARRL commissioned a market study of licensed radio amateurs in the United States. ARRL had previously commissioned such a survey in 1992. On both occasions, ARRL retained Readex, a nationally recognized independent research company located in Stillwater, Minnesota, which specializes in high quality survey research by mail and/or Internet. Founded in 1947, Readex conducted its surveys for

¹⁰ The test preparation materials for Technician class licensees reveal that the examination is overbroad in terms of the subject matter on which an entry-level examination candidate must be prepared to be examined. Therefore, the Technician license examination is inappropriate for an entry-level license class. Recent professional research surveys commissioned by ARRL reveal that a large proportion of recent licensees feel that the examinations were not relevant to their Amateur Radio operations.

ARRL in accordance with accepted research standards and practices.¹¹ The 2003 survey yielded some disturbing findings. Though respondents indicated that there were very few obstacles encountered in earning their licenses, when asked whether they are currently active in Amateur Radio, fully 47 percent said “no.” This represents a significant increase in the rate of inactivity (a 30% increase) since that recorded in 1992. The number of inactive Technician Class licensees is 46 percent. Fifteen percent of all active Amateurs who responded to the survey that they were inactive cited as a primary reason for no longer being active that they “passed the test but never got on the air.” Among the Technician class licensee respondents, the number was much higher: 26 percent stated that they had passed the test but never operated on the air.

10. Fourteen percent of all inactive amateurs cited as a primary reason for no longer being active that their “license limited [their] operating privileges more than [they] wished.” Among Technician class licenses, the number of respondents citing this factor was much higher: 24 percent cited this as a reason for no longer being active. Though only 7 percent of all respondents cited “limits on the operating privileges of their Amateur license” as the *primary* obstacle to enjoying Amateur Radio, 15 percent of Novice, Technician and Technician Plus class licensees cited this as the primary obstacle for enjoying Amateur Radio. That is a far higher percentage than those Novice, Technician and Technician Plus class licensees who cited any other factor as the primary obstacle to the enjoyment of Amateur Radio.

11. ARRL’s petition, RM-10867, argued that Morse telegraphy was not the major, or most pressing issue in Amateur Radio licensing. The above research data reveal that

¹¹ The survey was closed for tabulation with 1,530 usable responses, a 53% response rate out of a survey base of 2,899. A total of 701 surveys of the 3600 survey sample were returned as undeliverable.

ARRL's concerns, stated in RM-10867 were correct: that the Technician Class license is, for too many, a "dead end" to what might otherwise be an active, progressive interest in Amateur Radio, technical self-training, and incentive-based educational progress in the many facets of the avocation. ARRL therefore developed a comprehensive licensing plan which both simplifies the license structure, as the Commission intended to do in Docket 98-143, and which also makes Amateur Radio more relevant to newcomers and better preserves the incentive upgrade system. It does this by creating a true entry-level license class which at once requires a reasonable volume of material on which a candidate is examined, and more importantly, which offers sufficient operating privileges to expose the entry-level Amateur to a wider variety of the facets of the avocation than is available to current Technician Class licensees. It creates a balance between these two seemingly conflicting goals. Once implemented, ARRL's licensing plan would prove far simpler than the present scheme, as well as one more consistent with the Commission's goals and objectives for the Amateur Service. The proposal established for the entry-level license class a portfolio of operating privileges which are consistent with an examination that would not include material that is inappropriate or irrelevant at the entry level.

12. ARRL readily concedes that, should the Morse telegraphy examination be eliminated as a requirement for the General Class license, there will likely result a significant increase in license upgrades from those Technician Class licensees who have remained involved in Amateur Radio, to General Class. Since there is now no additional telegraphy examination to progress from General Class to Amateur Extra Class, the elimination of the telegraphy requirement from the Amateur Extra Class license examination will likely have less effect on further upgrades. However, ARRL is of the

view that the mere deletion of the Morse telegraphy from the General class license examination (which ARRL does not oppose) without more, will have no short term effect on *newcomers* to the Amateur Service, and will have only a short term effect on upgrades from Technician Class to higher license classes. There will not, therefore, be sustained growth as the result of the *Notice* proposal. The reason is that the current Technician Class license is, as discussed above, neither accommodating for newcomers nor sufficient in the scope of operating privileges offered to sustain the interest of Technician Class licensees to encourage further upgrading of their license class. If a newcomer is not offered meaningful entry level privileges, and if the new radio amateur does not get on the air with meaningful operating privileges that will incorporate him or her in the mainstream of Amateur Radio operating (which necessarily includes HF operation), ARRL's experience and its survey results clearly establish that (1) the newcomer will be dissuaded from becoming licensed, and (2) a Technician Class licensee is not given adequate incentive to become involved in Amateur Radio or to progress.

13. ARRL understands that the Commission was reluctant to allow one-time upgrades for Technician Class licensees to General Class, or Advanced Class licensees to Extra Class, as the ARRL plan proposed. The one-time automatic upgrade concept is admittedly a somewhat controversial portion of the ARRL's plan. While it is not a necessary component of the plan, it had the virtue of eliminating the need for the Commission to maintain indefinitely rules that apply only to classes of license that are no longer available to new applicants. Having decided that three classes of Amateur Radio license was the appropriate number, it is anomalous and cumbersome to retain legacy license classes when as a practical matter merging the Technician Class license into the

General Class and merging the Advanced Class license into the Extra Class is perfectly reasonable. Nevertheless, the Commission can now (1) retain the three active license classes; (2) retain the inactive license classes; and (3) create no new license class, and still create an attractive entry level license class in this proceeding, by modifying the operating privileges of the Technician Class license.

14. The *Notice* proposal, as it stands, creates an anomaly with respect to the Technician Class license. If the telegraphy requirement for the General Class license is eliminated, the distinction between the Technician Class licensee and the Technician Plus Class licensee will have disappeared completely. Each will have taken the same written examination. Yet, Technician Class licensees will not be afforded the same operating privileges as Technician Plus licensees. If the Commission does nothing in this proceeding other than eliminating the Morse telegraphy requirement for the General Class license, it would make no sense to continue to deprive Technician class licensees HF operating privileges, since they are currently afforded Technician Plus class licensees. To do otherwise is to draw a distinction that is entirely arbitrary. The elimination of General Class Morse telegraphy serves as a logical basis for affording Technician Class licensees the entry level HF privileges suggested by ARRL. Thus, the anomaly created by the *Notice* proposal can be addressed at the same time, and in the same manner, as are the problems with attracting and keeping newcomers in Amateur Radio, and encouraging reasonable growth through a meaningful entry level license class. The Commission should modify the operating privileges of the Technician Class license to provide HF privileges. The privileges to be afforded Technician Class licensees should be those proposed by ARRL for a new entry level license in RM-10867.

15. ARRL's Petition contained, as its principal and most urgent component, a comprehensive plan for creation of a new entry level license class. The operating privileges proposed therein were carefully considered and proposed an appropriate variety of operating privileges not now permitted by the current Technician Class license.¹² A summary of the HF entry level operating privileges suggested in the ARRL Petition is as follows:

- HF Operating privileges – telegraphy and data
 - 3.55 – 3.7 MHz 100 Watts
 - 7.05 – 7.125 MHz 100 Watts
 - 21.05 – 21.20 MHz 100 Watts
 - 28.05 – 28.3 MHz 50 Watts
- HF Operating Privileges – Phone/Image
 - 3.9 – 4.0 MHz 100 Watts
 - 7.2 – 7.3 MHz 100 Watts
 - 21.35 – 21.45 MHz 100 Watts
 - 28.3 – 28.5 MHz 50 Watts

While ARRL had envisioned the creation of a separate entry-level license class, and merging the Technician Class incumbents into the General Class, there is no good reason why the Commission could not simply modify the privileges and license structure of the

¹² At the time it was created, the Technician Class license was not envisioned as broad-based entry level license. It was, rather, a "specialty" type license for those radio amateurs who had a particular interest in the VHF and UHF bands. The Novice Class license served as the entry level license for the majority of newcomers to Amateur Radio, and it included some basic HF privileges. The Technician Class license was not pressed into service as an entry level license class until the telegraphy examination was removed for that class of license. As ARRL noted in its Petition, "[t]he Technician Class license without a telegraphy requirement] provided something of an entry-level opportunity for people to obtain a first-time license, but as it has turned out, the operating privileges that accompanied the license class isolated them from their peers as a practical matter. It relegated them to communications within local geographic areas and they became largely segregated into Amateur Radio clubs and groups oriented toward FM repeater communications. The Technician Class license offers little opportunity to experience other facets of Amateur Radio, or to conduct worldwide communications. This leads to disinterest, and to the failure to upgrade one's license class, and it focuses the mindset of licensees on local communications. Amateur Radio is a national and worldwide network of licensees who have historically interacted and formed worldwide fraternities without local boundaries. Increased HF operating privileges at the entry level are necessary to address this and to broaden the scope of experience of the entry-level licensee; to allow that licensee to become part of the whole of the Amateur Radio community; and to encourage technical experimentation and self-training."

Technician Class license, thus to preserve the three-class license structure determined to be appropriate in Docket 98-143. The operating privileges proposed by ARRL are urged as the appropriate balance in encouraging newcomers and encouraging incumbent entry level licensees to become involved and to progress in this worthwhile Service.

III. Morse Telegraphy Examinations

16. As noted above, ARRL does not oppose the Commission's proposal to delete the Morse telegraphy examination requirement for the General Class license, subject to the above arguments that Morse telegraphy is not properly the exclusive, or primary focus in this proceeding. However, with respect to elimination of the telegraphy requirement for the Amateur Extra Class license, ARRL is of a different view. The Extra Class license is quite successful in its current form, and the number of radio amateurs who have achieved that ultimate license class clearly demonstrates that a 5 word-per-minute telegraphy requirement is not a significant deterrent to those who aspire to it. The Amateur Extra Class license represents the demonstration of the highest level of achievement in Amateur Radio. Morse telegraphy, the only manual operating skill that exists in Amateur Radio,¹³ is an element of communications ability that should be included in the portfolio of operating skills demonstrated by the most accomplished radio amateurs. The Amateur Extra Class license has traditionally focused heavily, and indeed almost exclusively, on specialized operating techniques. This is the proper focus of that

¹³ The *Notice*, at paragraph 19, states that the Commission does not believe that there should be an examination to demonstrate capabilities in "one particular communications technology" when the rules do not require use of that particular technology. This argument fails, however, because the Commission requires, for the Amateur Extra Class license, demonstration of ability in numerous types of communications operating technologies, none of which are "required" for use by the Commission. They simply happen to not involve manual operator skills. The Commission does not, for example, require that radio amateurs utilize television or facsimile, but the Extra Class license examination question pool includes numerous questions on these and other operating techniques. Morse telegraphy is but one specialized operating technique, but proficiency in that operating technique is demonstrated manually, rather than by written examination.

highest license class. The examination should also include a minimal demonstration of Morse telegraphy, which remains a useful, often-used, and extremely popular means of domestic and international Amateur Radio communications. Retaining Morse telegraphy as a requirement for only the Amateur Extra Class license, in ARRL's view, places Morse telegraphy in a proper, balanced perspective.

IV. Conclusions

17. The instant *Notice* proposal frankly does not address the current needs and interests of the Amateur Service. The Commission has always supported and understood the immense value of a healthy Amateur Service to the people of the United States. Amateur Radio operators are models of volunteerism; they self-regulate; they self-train; they almost entirely self-administer; they assist the public in times of emergency and disaster; and they contribute heartily to the development of new and updated telecommunications systems. They require little of the Commission's resources. The Commission is now called upon to examine one of the very few regulatory needs of the Amateur Service affecting future growth of the Service. The improvements that should be implemented in this proceeding will increase the value of the Service to the public. The Commission commenced in 1998, but it did not complete, a license restructuring proceeding, intended to streamline and update the licensing system. The project could not be completed because of the needed changes in the international Radio Regulations. The opportunity now exists to finish the job. The simplest regulatory action in this case, elimination of Morse telegraphy, is not sufficient. The elimination of Morse telegraphy, absent a more thorough review of operating privileges in the Amateur Service, will not address the ascertained flaws in the only entry level license class. That license class is not

attracting or keeping newcomers in its present configuration, and it needs fixing right now. The Technician Class license is as it is for historical reasons, not as the result of planning. The operating privileges, which were never intended originally to serve as proper entry level license privileges, is isolationist as a practical matter in its treatment of newcomers. Revision of the Technician Class license with the considered entry level operating privileges as ARRL has proposed, is long overdue.

18. ARRL urges the Commission to facilitate growth in the Amateur Service; to encourage newcomers to the Service, and to encourage them to progress and to contribute to their own technical self-training and to the public with the experience gained in their introduction to Amateur Radio. The Commission should adopt the ARRL proposal, detailed in RM-10867, for license restructuring. It is a comprehensive and well-reasoned plan. The plan can be implemented without creating a new class of license and without merging existing license classes, active or not. The Commission can retain the Technician Class license as an entry level license by modifying it to include the operating privileges proposed in RM-10867, and at the same time deleting the Morse telegraphy requirement for the General Class license only.

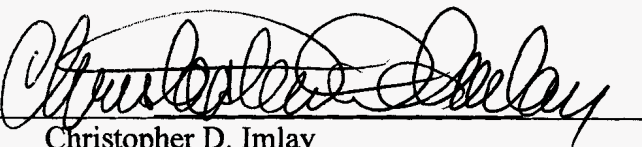
19. For ARRL's part, it will work with the other VECs to insure that the Technician Class license examination question pools are restructured accordingly. A less complex entry-level license is called for, which will at once offer HF operating privileges and a reasonable sample of other operating techniques, and an examination which satisfies the Commission's goal of requirements which "pertain to the privileges the operator license authorizes and ...[which] constitute the minimum requirements

necessary to demonstrate that the control operator of a station can ensure the proper operation of that station.” *Report and Order*, at ¶26.

Therefore, the foregoing considered, ARRL, the National Association for Amateur Radio, respectfully requests that the Commission examine the operating privileges of the various license classes, and most urgently the entry level license class. ARRL further requests that the Commission modify the entry level license consistent with the ARRL’s Petition for Rule Making, RM-10867, or otherwise in accordance with the above comments, so as to adopt an effective, encouraging and comprehensive licensing plan as a blueprint for the future of Amateur Radio regulation.

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October 31, 2005

EXHIBIT A

Congress of the United States
Washington, DC 20515

April 23, 2004

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
Room 8-A204C
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:


We are both licensed radio amateurs, holding the call signs WB7OCE and WD5DVR, respectively. We have derived great benefit from Amateur Radio, as have thousands of Americans. We are writing because the Amateur Radio Relay League (ARRL), the national association for amateur radio, has developed and submitted to you by a Petition for Rule Making filed January 28, 2004 a plan for restructuring the license classes in the Amateur Radio Service. We believe that this plan will encourage the development, refinement and use of new technologies; increase the number of young people involved in Amateur Radio; and provide incentives for amateur radio licensees to pursue technical self-training and opportunities for volunteerism in the best traditions of our country. We urge you to support the ARRL's restructuring plan and to implement it rapidly.


The ARRL submitted the restructuring plan because the Wireless Telecommunications Bureau did not complete the efforts that began in WT Docket 98-143 in 1998. The Docket's purpose was to simplify, streamline, and enhance the license structure in the Amateur Radio Service and to foster the integration of new technologies into daily Amateur Radio operation. To reach the Docket's goals, the ARRL plan proposes to create a new entry-level Amateur Radio license that would include high-frequency privileges without requiring a Morse code test, consolidate the current six license classes into three license classes, and retain the Element 1 Morse telegraphy requirement only for the Amateur Extra Class.

The ARRL's license restructuring plan, once implemented, will complete the Commission's plan initiated in 1998, and will provide a blueprint for licensing well into the next decade. The plan will not conflict with any Commission initiative. More importantly, it is needed right now to promote greater growth of the healthy, exciting and rewarding intellectual pursuit of amateur radio.

We urge you to quickly adopt the ARRL plan for Amateur Radio license structure in its entirety and the rules changes necessary to implement it. Please let us know your thoughts on the matter via facsimile at: 202-225-5774. Should you have any questions, please contact Brian Hard in Representative Walden's office at 226-7340.

Sincerely,


Greg Walden, WB7OCE
Member of Congress


Mike Ross, WD5DVR
Member of Congress